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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,356	06/29/2001	Daniel E. Steinmark	PW 0275032 P-10884	6896

7590 02/04/2004
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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 02/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,356

Applicant(s)

STEINMARK, DANIEL E.

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear that if the user related information is provided, not the user login information is provided, how can the user-request time be allowed to be retrieved. Further, the user-requested time lacks antecedent basis. Perhaps, it should read "the user-requested alarm time".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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3. Claims 1, 3-6, 8-19, 21-27, 29-30, 32, 34-37, and 48-50 are rejected under 35 U.S.C. 102(a) as being anticipated by Dewey (US Patent No. 6,229,430).

Claim 1:

Dewey discloses a system for providing an adjustable alert system, comprising:

- a. Receiving user related and configuration information (102), the user related information including at least one of user-requested alarm time and user login information, the user login information, the user login information allowing the retrieval of the user-requested time
- b. Connecting to a content provider 118 to gather present unexpected condition information relevant to the user
- c. Determining an adjusted alarm time, wherein the adjusted alarm time factors in the user related and configure information and the unexpected condition information
- d. Providing an alarm signal when the actual time reaches the adjusted alarm time.

See col. 3.

Claim 3:

The user login information in Dewey allows the retrieval of user-requested time and at least one of the user related information or other user configuration information based on historical information obtained in a previous use by a user; e.g. driving route.

Claim 4:

The use related information includes at least one of a user's location, destination, user's preferred routes and user related flight or mass transit information.

Claim 5:

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The user's location and user's destination are utilized to determine the routes that a user uses to travel from the location to the destination.

Claim 6:

The user configuration information includes at least one of parameters and preferences that specify the amount of alarm adjustment for certain unexpected conditions, e.g. time adjustment from normal set time in case of snowing.

Claim 8:

The user configuration includes at least one of parameters and preferences that control the amount of effect for certain unexpected conditions. Col. 4, second paragraph.

Claim 9:

A special alarm in Dewey is activated by the enhanced alarm clock when the adjusted alarm time differs from the user-requested alarm time. That is, the second alert time will be activated when the actual time is equal to the adjusted alarm time.

Claim 10:

The expected condition disclosed in Dewey relates to the traffic information, including at least one of accidents, average speed, congestion, construction and travel restrictions.

Claim 11:

The unexpected condition information in Dewey relates to weather information, including at least one of snow, rain, fog, sleet, hail, and high winds.

Claim 12:

The unexpected condition information in Dewey relates to delay or advancement of at least one or mass-transit arrival time and mass-transit departure time, e.g. flight schedule.

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Claim 13:

The alarm signal in Dewey includes at least one of an audible, visual, sensory, and vibration signal.

Claims 14-19 and 21-26:

The rejection of claims 14-20 and 21-26 recites the rejection of claims 1-13 except they are computer readable instructions which inherently disclosed and are performed by the system of Dewey.

Claim 27:

Dewey discloses an enhanced alarm signal generating system, comprising:

- a. An alarm signal generator 100 that receives user related and configuration information (102) and create an alarm signal 124, the use related information including at least on of user-requested alarm time and user login information, the user login information allowing the retrieval of the user-requested time
- b. A content provider that gather present unexpected condition information relevant to the user; and
- c. A communication link 110 that connects the alarm signal generator with the content provider, wherein user related information is sent to the content provider via the communications link 112 to gather the unexpected condition information, an adjusted alarm time being determined on the basis of the user related and configuration information and the unexpected condition information, and an alarm signal being created when the actual time reaches the adjusted alarm time.

Claim 29:

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The rejection of claim 29 recites the rejection of claim 3.

Claim 30:

The unexpected condition information in Dewey (e.g. snow) is received by and the adjusted alarm is determined by the alarm signal generator.

Claim 32 :

It is inherent that the user configuration information in Dewey includes at least one of parameters and preferences that specify the amount of alarm adjustment for certain unexpected conditions, e.g., the delay time or advance time which the user chooses to have the set alarm to be deviated from upon the occurrence of the unexpected conditions (snow).

Claim 34:

The user configuration information disclosed in Dewey includes at least one of parameters and preference that relate control the amount of effect for certain unexpected conditions.

Claim 35:

The alarm signal in Dewey is a special alarm when the adjusted alarm time differs from the user-requested alarm time.

Claim 36:

The rejection of claim 36 recites the rejection of claim 13.

Claim 37:

The alarm signal generator in Dewey is one of a normal alarm clock integrated with a receiver and a processor, an enhanced alarm clock device, and a device that incorporates an enhanced alarm clock.

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Claim 48:

Dewey discloses an intelligent alarm signal generator, comprising:

- a. A user interface device 116 for inputting user related and configuration information, the user related information including at least one of user-requested alarm time and user login information, the user login information, the user login information allowing the retrieval of the user-requested time
- b. A communication equipment 106, 110 that allows communication to be established between the intelligent alarm signal generator and a content provide;
- c. A first logic 106 that retrieves or accepts unexpected condition information relevant to the user from the content provider 118
- d. A second logic 106 that determines an adjusted alarm time based on the user related and configuration information and the retrieved unexpected condition information
- e. A clock that has the actual time within processor 106
- f. An alarm that creates an alarm signal when the actual alarm time reaches the adjusted alarm time.

Claim 50:

The rejection of claim 50 recites the rejection of claim 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 28, 49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey (US Patent No. 6,229,430).

Claim 2:

The connection to the content provider is made to insure the adjusted alert time preferred by a user is made according the occurrence of the unexpected condition specified by the user. It would have obvious to one skilled in the art to connect the system to the information provider on a periodic basis to gather the most recent unexpected condition information and adjust the alarm time on a periodic basis based on the user related and configuration information and the most recent unexpected condition information because it would allow the alert time to be accurately adjusted up to date with the most recent updated information.

Claim 28:

The rejection of claim 28 recites the rejection of claim 2.

Claim 49:

The rejection of claim 28 recites the rejection of claim 2.

Claim 51:

The alarm 124 in Dewey includes an audio source. Col. 4, lines 4-8.

6. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey (US Patent No. 6,229,430) in view of Herold (US Patent No. 5,832,067).

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Claim 52:

Dewey discloses an intelligent alarm signal generator, comprising:

- a. First communication equipment 100 for inputting user related and configuration information, the user related information including at least one of user-requested alarm time and user login information, the user login information, the user login information allowing the retrieval of the user-requested time
- b. Second communication equipment 114 that allows communication to be established between the intelligent alarm signal generator and a content provider;
- c. A first logic 106 that retrieves or accepts unexpected condition information relevant to the user from the content provider 118.
- d. A second logic 106 that determines an adjusted alarm time based on the user related and configuration information and the retrieved unexpected condition information
- e. A clock that has the actual time within processor 106
- f. An alarm that creates an alarm signal when the actual alarm time reaches the adjusted alarm time.

The alarm device in Dewey is not a calling device that makes a call telecommunication equipment when the actual time reaches the adjust alarm time; however, such concept of calling a telecommunication device upon the predetermined alarm condition being met is well known in the art as taught in Herold. In light of this teaching, it would have been obvious to one skilled in the art to use a calling device to call a subscriber to provide an alert because it is conventional in the art. This way a subscriber can conveniently receive the alert without actually being at the site where the alarm system is located.

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Claim 53:

The rejection of claim 50 recites the rejection of claim 2.

Claim 54:

The rejection of claim 50 recites the rejection of claim 3.

Allowable Subject Matter

7. Claims 38-47 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claims 7, 20, and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 703-308-6738. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Julie Lieu
Primary Examiner
Art Unit 2636

Jan. 27, 04

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